

TOWN OF CHATHAM
488 State Route 295, Chatham, NY 12037

Town Board Meeting and Public Hearing Minutes

Thursday, February 20, 2025 @ 6:30PM

This Meeting is IN PERSON (Town Hall) For Board Members With the Exception of the Occurrence of Extraordinary Circumstances

IN PERSON and VIRTUAL for the Public

Google Meet: meet.google.com/tqz-efzm-xbh Join By Phone: (US) +1 224-814-1308 PIN: 632 413 079#

PRESENT

Supervisor Donal Collins, Councilmembers Angus Eaton, John Wapner

VIRTUAL

Councilman Rick Werwaiss

ABSENT

Councilwoman Destiny Hallenbeck

➤ **RECORDING NOTICE**

➤ Supervisor Collins called the meeting to order at 6:32PM and led the pledge of allegiance to the flag.

➤ **SEQRA PROCESS** for Proposed Local Law #2 of 2025: Imposing an Extension to the Temporary Town-Wide Six Month Moratorium on Solar Energy Arrays

SEQRA Forms

Part 1 Project Information

Local Law on Solar Energy Array Extension.

Collins made a MOTION to vote YES that the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation. Seconded by Eaton and carried.

Part 2 Impact Assessment

A MOTION was made by Collins to vote “NO, or small impact may occur” on questions 1-11, seconded by Wapner and carried.

Part 3 Determination of Significance

A MOTION was made by Collins to determine, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts. Seconded by Eaton and carried.

- **Resolution # 88-2025: To make a Negative Declaration for SEQRA**

WHEREAS, The Town Board of the Town of Chatham has determined that it is necessary to hold a public hearing to hear public comment on proposed Local Law #2 of 2025,

WHEREAS, it is necessary for the Town to complete the SEQRA (State Environmental Quality Review Act) process, and

WHEREAS, the Town Board has previously declared itself as Lead Agency for such review and has conducted a close look at all potential environmental issues and found none, and

NOW THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of Chatham hereby makes a Negative Declaration for SEQRA process and determines that will not be any substantial potential negative impacts ation.to the environment as a result of the adoption of a Local Law #2-2025: **Imposing an Extension to the Temporary Town-Wide Six Month Moratorium on Solar Energy Arrays.**

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

➤ **OPEN PUBLIC HEARING: Proposed Local Law #2-2025 Imposing an Extension to the Temporary Town-Wide Six Month Moratorium on Solar Energy Arrays**

- **GUIDELINES FOR PROVIDING COMMENTS AT PUBLIC HEARINGS**
 - The order of speakers will be chosen randomly, each speaker is allowed 3 minutes
 - Speakers may not cede their speaking time to others
 - Speakers are not to read from letters that they have already submitted and which are attached to the agenda
- **READING OF PUBLIC HEARING NOTICE:**

TOWN OF CHATHAM
Columbia County, New York
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board of the Town of Chatham at the Town Hall 488 State Route 295, Chatham NY on February 20, 2025 at 6:35PM for the purpose of accepting public comment on a Local Law to Extend the Town-Wide Temporary Six-Month Moratorium on Solar Energy Arrays.
Said local law is available for inspection in the Town Clerk's office during regular business hours and on the website at chathamnewyork.us.

By order of the Town Board
Dated: February 8, 2025
Beth Anne Rippel, Town Clerk

- **READING OF PROPOSED LOCAL LAW #2-2025: Imposing an Extension to the Temporary Town-Wide Six Month Moratorium on Solar Energy Arrays**

TOWN OF CHATHAM
LOCAL LAW #2 OF 2025
LOCAL LAW IMPOSING AN EXTENSION TO THE TEMPORARY TOWN-WIDE
SIX-MONTH
MORATORIUM ON SOLAR ENERGY ARRAYS

Be it enacted by the Town Board of the Town of Chatham as follows:

Section 1. Title.

This Local Law shall be referred to as the “Local Law Imposing a Town-Wide Temporary Six-Month Moratorium.”

Section 2. Purpose and Intent.

Pursuant to the statutory powers vested in the Town of Chatham by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board on March 7th 2024 declared a temporary six (6) month town-wide moratorium on the review and/or approval of any new or existing Site Plan Approval Applications for a Solar Energy Array. The Town Board extended this moratorium for six additional months on September 5, 2024.

The Town of Chatham does not currently have site plan review or other similar land use regulations relating to solar energy arrays. Further, the Town has recently adopted a new Comprehensive Plan which addresses the regulation of solar energy arrays and has appointed a committee to review, draft and recommend a new zoning and possibly other laws regulating such projects for adoption by the Town Board. The Committee will focus on the importance of protecting, revitalizing and maintaining the Town and encourage smart development which would be an integral part of the Town’s economic growth.

The Town Board finds and determines that based upon recent activities, applications and/or inquiries currently before the Town relating to solar energy arrays and based upon the opinion of the Attorney for the Town such applications and/or inquiries, if approved, could have a deleterious effect on Town’s aforementioned efforts.

The Town Board further finds and determines that it needs an additional period of time of six months covered by the moratorium imposed herein in order to carefully complete the adoption of a new local law, schedule and hold the required public hearing on either amendments to existing Local Laws or the enactment of new Local Laws, perform the appropriate environmental reviews thereof, comply with applicable provisions of law, adopt the Local Law(s), and file the same with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law, the Town Board and/or any other municipal body, including but not limited to the Planning Board and the Building Department, shall not begin or continue to review applications for or grant any approvals relating to a Solar Energy Array within the Town.

B. No new or existing applications for a Solar Energy Array in the Town shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

C. The Town Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer/Zoning Enforcement Officer to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

D. Definitions. For the purposes of this local law, all terms utilized herein shall be defined in accordance with the NYS Town Law.

E. Applications for small roof or ground mounted solar arrays up to but not exceeding 75kW dc pursuant to the Town's Unified Solar Permit shall be exempt from this law.

Section 4. Term.

The moratorium extension imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. The Town Board reserves the right to enact subsequent short-term periodic moratoria in the future, in the event it determines that such subsequent local laws or extensions are necessary and in the public's interest. The Board reserves the right to terminate this moratorium prior to the end of the six (6) month period in the event that the new land use laws and/or revisions are enacted before such expiration.

Section 5. Hardship.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variance from strict compliance with this Local Law upon submission of proof of such unnecessary hardship for a legally operating use. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay or normal financial loss in being permitted to make an application or waiting for a decision on the application for a permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town Clerk by the property owner seeking a variance from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the official newspaper of the Town. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variance from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall grant a variance of the application of this Local Law to a particular property, then the Town Board shall grant a variance of the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

C. Supersession. This variance section and the process and procedure of this Local Law supersede the New York State Town Law §267, 267-a and 267-b in accordance with the powers granted in and pursuant to the provisions of §10 of the Municipal Home Rule Law and §10 of the Statute of Local Governments. It is the intent of the Town Board pursuant to §10 of the Municipal Home Rule Law, to supersede the provisions of the Town Law set forth above relating to the reviewing body and process and procedure governing the granting of variances.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new use which is defined by the Town of Chatham Site Plan Review Law in violation of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided for in the Town's Site Plan Review Law and by applicable state and local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

No Public Comment.

MOTION was made by Eaton to close the public hearing, Wapner seconded and motion carried.

➤ **ANNOUNCEMENTS:**

1. Neighbors of Northern Columbia County: Tech Talk/Microsoft Outlook on Saturday, 2/22/25 @ North Chatham Free Library
2. Chatham MED PTA: Tricky Trays & Cupcake Wars, 2/28/25, 6:30P-8:30P
3. Niverville Ladies Auxiliary: Bernie's Blue Line BBQ Dinner, 3/6/25, 4P-6P, Pickup
4. Columbia County Soil and Water Conservation District annual Bare Root Tree & Shrub Sale
 - March 28th Deadline

➤ **CORRESPONDENCE:**

1. East Chatham re: Immigrants in Columbia County

➤ **SUB-COMMITTEE REPORTS:**

1. Broadband and Cellular Service Committee-(Councilwoman Hallenbeck/Councilman Werwaiss)
Discussed goals for the year, cell service survey, low cost WiFi for seniors.
2. CAP (Chatham Agricultural Partnership)- (Supervisor Collins)
Discuss zoning proposals, these will not have an adverse effect on farmland. This may improve the labor force.Date for Farm Tour TBD
3. Climate Smart/Action Task Force Committee- (Councilman Eaton)
Ongoing work on photovoltaics project for highway garage, converting town hall from oil to heat pumps and photovoltaics.
4. Communications Committee- (Councilman Wapner)
They decided not to continue the seasonal newsletter due to lack of manpower. Talked about somehow linking information with Tammy's email blasts. New people have no connection to what's available in Town and the committee will work on that. They need new members.

5. Housing Committee- (Councilwoman Hallenbeck)
Both meetings were canceled. (Zoning and Housing)
6. Parks & Recreation Committee- (Councilman Wapner)
Park Plan group has the first draft to go to the “formatter”. Operational manual for whoever picks up Park next. Focus group meeting at Morris. March 4th.
7. Grants Appropriations Committee- (Supervisor Collins)
SWIMS Grant due March 31.LFIMIF for digitization is open. We’ll dust off a previous application. Staffing change. Working on grant disbursements. Pickleball courts, invasives management
8. CAC- (Abi Mesick)
Daniel and Jane Taylor attended. Continue their work on GIS, habitats and how they can be useful on CPFA..
9. Invasive Species Awareness Committee- (Abi Mesick)
Daniel Taylor and Kevin Johnson attended. S&W offering resources. Tree location around pavilion, tennis courts and beach. Tim Mackerer advised on which types of trees to plant at the Park. Tim offered to donate his time and equipment to help plant. Gary Wemple has donated tree gators. Removal of Toringo Crabapple They want to revamp their webpage.
10. Traffic Safety Working Group- (Supervisor Collins)
Collins-placing radar trailer in EC on Albany Turnpike near the bridge. Still awaiting approval from utility company to be allowed to mount radar devices on their poles. We were denied our request for crosswalks in EC and NC. Collins will appeal.
11. Solar Law Committee- (Councilman Eaton)
34 people attended the public forum. Heard a range of comments. Extended the comment period until next week.
12. Zoning Update Committee- (Councilman Eaton/Councilwoman Hallenbeck)
13. Community Preservation Fund Advisory Board- (Mary Gail Biebel)
Collins reported they met with Ken Viello GIS is an excellent asset, thank you Conrad Vispo.
14. Town & County- (Supervisor Collins)
Report on file.

➤ **REPORTS**

1. Assessor
2. Code Enforcement/Building Inspector
3. Dog Control
4. Environmental Mgmt Council
5. Finance Department
6. Highway Department
7. Justice Court
8. Office of the Aging Advisory Board
9. Recreation Director- report on file
10. Supervisor’s Report - report on file
11. Town Clerk - report on file

➤ **OLD BUSINESS:**

1. Single Lot Exemptions
 - Draft Submission to Columbia County Planning
 - Public Hearing
2. Accessory Dwelling Units
 - Draft Submission to Columbia County Planning
 - Public Hearing
3. Solar Array Moratorium
 - 75 kW threshold
4. Road Inventory Addition (3)
 - Little Loop
 - Rod and Gun Club
 - Waldorf
5. Financial Planning & Economic Development Citizen Advisory Committee Establishment

➤ **NEW BUSINESS:**

1. LGMRIF Grant Application
 - Record Digitization

➤ **PUBLIC COMMENT**

Sperry asked Eaton to enlighten her on the agricultural addition on SLE.

Bobseine asked about the focus group and if John wanted it advertised. Asked Angus if the comment form for solar is on the website. Cindy asked what could go on SLE with an ag use. The goal here is affordability as per Angus.

Breault asked Collins about opioid settlement funds and their use.

Butler- How do you define an approved private road in SLE law?

Tal- We have road specs., approval by the highway department.

RESOLUTIONS:

1. **Resolution#89-25: To Approve the Town Board Minutes.**

WHEREAS, the Chatham Town Board approves the Town Board Minutes for January 2, 2025 and January 16, 2025.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

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2. **Resolution#90-25: To Accept the Town Accountant's Financial Supervisor's Report.**

WHEREAS, the Chatham Town Board accepts the Town Accountant's Financial Supervisor Report for January, 2025.

Offered by: Eaton, seconded motion: Collins

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

Resolution#91-25: To Accept the Financial Abstract as presented to pay the Town Bills.

WHEREAS, the Chatham Town Board accepts the Financial Abstract #15-2024 and Abstract #2A-2025 as presented to pay the Town Bills.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

3. **Resolution#92-25: To Enact Local Law No. 2 of 2025 to Impose a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays.**

WHEREAS, Pursuant to the statutory powers vested in the Town of Chatham by the Municipal Home Rule Law of the State of New York, to regulate and control land use, and to protect the health, safety and welfare of its residents, on March 7, 2024 the Town Board declared a temporary six (6) month town-wide moratorium on the review and/or approval of any new or existing Site Plan Approval Applications for a Solar Energy Array, and

WHEREAS, the Town Board of the Town of Chatham approved Adoption of Local Law #6-2024 extending the temporary town-wide six-month Moratorium on Solar Energy Arrays commencing on September 5, 2024, and

WHEREAS, the Town formed a Solar Law Committee for the specific purpose of drafting regulation for Solar Energy Arrays, and

WHEREAS, the Committee has met and deliberated on land use policies for solar installations, and

WHEREAS, the Committee requests additional time to generate an applicable ordinance, and

WHEREAS, the Town Board would like to increase the threshold of exempt arrays to 75kW DC to accommodate agricultural operations, local businesses, and residences undergoing significant electrification, and

WHEREAS, the Town Board held a public hearing to hear public input for Local Law #2 of 2025 on February 20, 2025 to extend the Solar Energy Array Moratorium for a period of six months, and

BE IT FURTHER RESOLVED, The Town Board wishes to establish the solar array output exemption of 75kW DC during the proposed moratorium extension.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Chatham hereby approves the adoption of proposed Local Law No. 2 of 2025 Imposing a Temporary Town-Wide Six-Month Moratorium on Solar Energy Arrays commencing as the date of this resolution.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

4. **Resolution#93-25: To Add Roads to NYS DOT Highway Inventory**

WHEREAS, the Chatham Town Board desires to add Rod and Gun Club Road, Little Loop Road and Waldorf Road located within the town limits to the New York State Department of Transportation (NYSDOT) highway inventory, and

WHEREAS, the Town Board confirms that Rod and Gun Road, Little Loop Road and Waldorf Road is fully accessible to the public and is currently maintained by the Town, and

NOW, THEREFORE, BE IT RESOLVED, that the Chatham Town Board hereby requests the NYSDOT to include Rod and Gun Club Road, Little Loop Road and Waldorf Road in their official highway inventory, effective immediately.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

5. **Resolution #94-25: To appoint a Chair and Chairperson to the Grants Committee**

WHEREAS, the Town Board established a Grants Appropriation Committee by Resolution #84-2022 to seek assistance for capital purchases and projects, and

WHEREAS, the Committee was populated by Resolution #114-2022, and

THEREFORE, BE IT RESOLVED, the Town Board appoints Jennifer Trolenberg as Chairperson and John Breault as Co-Chairperson of the Grants Appropriations Advisory Committee, effective immediately.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

6. **Resolution#95-25: To Apply for NYS Archives Grant**

WHEREAS, the Town Board, on behalf of Town of Chatham Building Department, Planning Board and Zoning Board of Appeals, wishes to apply for funding through the NYS Archives 2025-26 Grant Program, which is opened on February 14th of 2025, for a project entitled Planning/Zoning/Building Digital Conversion Project, and

WHEREAS, The Planning/Zoning Boards and Building Departing shall maintain all digitally created records in their native digital format for the legally proscribed retention period of the record, and

WHEREAS, The Town of Chatham shall maintain all digital records adhering to the guidelines set forth in the Regulations of the Commissioner of Education Part 185.8, and

WHEREAS, all copies of records in other formats, including paper, shall be handled according to the LGS1 Retention Schedule and the recommendation of the Records Management Officer, and

NOW, THEREFORE, BE IT RESOLVED, that the governing board of the Town of Chatham hereby approve and endorse the application for a grant under the NYS Archives/ Local Government Records Management Improvement Fund (LGRMIF Grant) for a project known as the Planning/Zoning/Building Digital Conversion Project.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

7. **Resolution#96-25: To authorize the formation of a Financial Planning & Economic**

Development Citizen Advisory Committee

WHEREAS, the Town Board of the Town of Chatham (hereinafter “the Town”) wants to ensure its long term financial health and it recognizes the importance of the viability of businesses located within the Town and neighboring communities, and

WHEREAS, the Town wishes to establish relationships with and facilitate the advancement of the area’s current and future local business, and

WHEREAS, the Town wishes to continue to increase its revenues while decreasing the overall residential tax burden, and

NOW IT IS RESOLVED THAT the Financial Planning & Economic Development Citizen Advisory Committee (hereinafter “the Committee”) is hereby created within the town and

BE IT FURTHER RESOLVED THAT the Committee will work toward the advancement of commercial enterprises within the Town, and

BE IT FURTHER RESOLVED THAT the Committee will consider Town revenues and spending and will seek means to assist in the overall reduction of the residential tax burden of Chatham residents, and

BE IT FURTHER RESOLVED THAT the Committee is hereby constituted with a base population of **five** and will adhere to all parameters established with the Town Committee Protocol, and

BE IT FURTHER RESOLVED that the Committee will consist of the following members:

- A minimum of one town board member
- Volunteer residents

NOW BE IT RESOLVED that the Chatham Town Board forms the Financial Planning & Economic Development Citizen Advisory Committee, serving at the pleasure of the Town Board and shall advertise for such volunteers.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

8. **Resolution #76-25 (Tabled 1/16/2025): To Move The Draft Single Lot Exemption Regulation to the Columbia County Planning Board for Review and Feedback**

WHEREAS, The Chatham Town Board has determined that it is necessary to revise its zoning and subdivision regulations to provide for and regulate single lot exemptions within the Town of Chatham, and

WHEREAS, it is necessary for the Chatham Town Board to submit a draft of this regulation to the Columbia County Planning Board for review prior to scheduling a public hearing on said law, and

NOW THEREFORE IT IS HEREBY RESOLVED, that the Chatham Town Board authorizes the Town Supervisor to submit draft zoning and subdivision regulations for single lot exemptions within the Town of Chatham to the Columbia County Planning Board for review.

Offered by: Eaton, seconded motion: Wapner

A MOTION was made by Eaton to amend the SLE local law to cap the allowable number at 10. Wapner seconded and motion carried. Collins is not in agreement with placing a cap.

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

9. **Resolution #77-25 (Tabled 1/16/2025): To Move The Draft Accessory Dwelling Unit Regulation to the Columbia County Planning Board for Review and Feedback**

WHEREAS, The Chatham Town Board has determined that it is necessary to revise its zoning regulation to define and regulate accessory dwelling units within the Town of Chatham, and

WHEREAS, it is necessary for the Chatham Town Board to submit a draft of this regulation to the Columbia County Planning Board for review prior to scheduling a public hearing on said law, and

NOW THEREFORE IT IS HEREBY RESOLVED, that the Chatham Town Board authorizes the Town Supervisor to submit draft zoning regulation for accessory dwelling units within the Town of Chatham to the Columbia County Planning Board for review.

Offered by: Eaton, seconded motion: Wapner

VOTE:

AYE: Collins, Eaton, Wapner, Werwaiss **NAY:** None Resolution adopted

PUBLIC COMMENT

Mackerer thanked the Board for moving ADU and SLE forward but he's not big on the cap.

Butler encourages the Board to develop a housing fund.

A MOTION was made by Collins, seconded by Eaton and carried to enter executive session at 8:30PM pursuant to Public Officers Law Article 7, §105 (f).

MOTION to leave executive session was made by Eaton, seconded by Wapner and carried.

➤ **MOTION TO CLOSE MEETING**

At 8:40PM was made by Eaton, seconded by Wapner and carried.

Transcribed by:

Beth Anne Rippel, Town Clerk